pectoris, apoplexy, heart diseases, cerebral hemorrhages, arteriosclerosis, and high and low blood pressure; in providing resistance to infection and epidemics; in preventing a variety of maladies from diseased tonsils to mysterious nervous disorders, pain in the bones and bone marrow, brain and nerve disturbances, lassitude, nausea, vomiting, headaches, sleeplessness, loss of appetite, and damage to teeth; in lengthening life; in preventing cancer and tooth decay; in preventing or curing an alarming number of dreaded diseases, rickets, neuritis, scurvy, softening of the bones, hairlessness, paralysis, bone and joint disease, malnutrition, leg weakness, roup, stiff neck, beriberi, black tongue, ulcerated gums, falling teeth, sores, and dropsy; in changing a hopeless physical wreck to an individual of buoyant, glowing health; in improving the health of people suffering from a wide variety of nutritional diseases; in preventing and curing arthritis, rheumatism, neuritis, high blood pressure, low blood pressure, heart condition, nervousnes, frequent colds, kidney condition, sleeplessness, constipation, migraine headaches, skin conditions, poor eyesight, hay fever, asthma, sinus infection, continual tiredness, underweight, overweight, stomach and intestinal ulcers, anemia, general weakness, diabetes, painful and irregular menstruation, dropsy, swollen limbs, gall bladder conditions, supersensitivity, brittle fingernails, stiff joints, poor memory, poor circulation, mucous condition, low energy, glandular disturbances, varicose veins, epilepsy, palsy, cataracts, catarrhal conditions, tooth malformation, excessive acid, stomach trouble, and other degenerative diseases; in helping nutritionally to relieve, ease, and lessen excessive acid pains in arthritis; in increasing resistance to the causative factors of disease; and in preventing flu, such as was prevalent in the 1918 epidemic. The diseases, symptoms, and conditions mentioned were those for which the articles were prescribed, recommended, and suggested in advertising sponsored by and on behalf of their manufacturer, packer, and distributor.

DISPOSITION: June 28, 1947. Default decree of condemnation and destruction.

2157. Misbranding of diathermy machines. U. S. v. 2 * * *. (F. D. C. No. 21905. Sample No. 42175–H.)

LIBEL FILED: November 27, 1946, District of Columbia.

ALLEGED SHIPMENT: On or about November 14, 1946, by the David Bogen Co., Inc., from New York, N. Y.

PRODUCT: 2 *diathermy machines* at Washington, D. C. The machines were invoiced as "5–A Diathermy Machines," and they were offered to the general public for such conditions as rheumatism, arthritis, neuritis, bursitis, sciatica, lumbago, sinus congestions, and common colds.

LABEL, IN PART: "Model No. 5–A * * * Turn Past 3 * * * Then Set for Time."

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the machines failed to bear adequate directions for use.

DISPOSITION: July 29, 1947. The Sun Radio Service and Supply Corporation, Washington, D. C., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency.

DRUG ACTIONABLE BECAUSE OF THE PRESENCE OF A NONCERTIFIED COAL-TAR COLOR

2158. Adulteration and misbranding of Kao Drops. U. S. v. 383 Bottles * * *. (F. D. C. No. 22523. Sample No. 40482–H.)

LIBEL FILED: February 14, 1947, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about November 6 and 8, 1946, by the Kao Co., from Texarkana, Ark.

PRODUCT: 383 1-fluid-ounce bottles of *Kao Drops* at Advance, Mo. Examination showed that the product consisted essentially of ether, with small proportions of salicylic acid and oil of peppermint, and that it was colored with amino-azo-ortho-toluene (Colour Index No. 17).

NATURE OF CHARGE: Adulteration, Section 501 (a) (4), the article contained, for purposes of coloring only, a coal-tar color which had not been listed as

harmless and suitable for use in drugs in accordance with regulations and was other than one from a batch that had been certified.

Misbranding, Section 502 (a), the label statements "For the relief of rheumatic pains * * * one drop at a time upon the pain area until the desired relief is effected" were false and misleading since the article would not be effective for the relief of rheumatic pains.

DISPOSITION: April 14, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF DEVIATION FROM OFFICIAL OR OWN STANDARDS*

2159. Adulteration and misbranding of Dwarfies 10-Vitamin Tablets. U. S. v. Dwarfies Corporation and James John Oberdin. Pleas of guilty. Each defendant fined $200 and costs. (F. D. C. No. 17831. Sample No. 26455–H.)

INFORMATION FILED: October 1, 1946, Southern District of Iowa, against the Dwarfies Corporation, Council Bluffs, Iowa, and James John Oberdin, secretary and treasurer.

ALLEGED SHIPMENT: On or about March 14, 1945, from the State of Iowa into the State of Colorado. The article was accompanied by a leaflet entitled "Vitamin Chart," a letter entitled "Dear Friend," and a circular entitled "Thousands of Folks use Dwarfies 10-Vitamin Tablets Daily . . . and live a more healthy life because of it." The Vitamin Chart was shipped with the drug, and the other material was delivered to the consignee on or about March 19, 1945.

PRODUCT: Examination of a sample showed that it contained 2,760 U. S. P. units of vitamin A per tablet.

LABEL, IN PART: "Dwarfies 10 Vitamins All-In-One Daily Tablet Each tablet contains: Vitamin A, D, B_1, B_6, C, E, Niacin, Calcium Pantothenate, Paraminobenzoic Acid * * * Each tablet contains the following proportion of established minimum requirements: A, 125% * * * A . . . 5000 U. S. P. Units."

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the article differed from, and its quality fell below, that which it purported and was represented to possess since it contained less than 5,000 U. S. P. units of vitamin A per tablet.

Misbranding, Section 502 (a), the label statements "Each Tablet Contains * * * A 5000 USP Units" and "Each Tablet Contains the Following Proportion of Established minimum Requirements * * * A, 125%" were false and misleading. Certain statements in the accompanying letter, circular, and leaflet were misleading. These statements represented and suggested that the following conditions are frequently caused by lack of the vitamin substances contained in the article, and that the reader might reasonably expect correction and relief from those conditions by use of a product containing such substances: Abnormal vitality of mucous membrane or epithelial cells, low resistance to infection, abnormal functioning of the visual purple (bad eyesight), abnormal glandular function, abnormal lactation, improper formation of bone and teeth, poor appetite, poor utilization of carbohydrates, abnormal intestinal function, improper nerve function and cell respiration, abnormal nerve tissues, unclear, dull eyes, improper healing of wounds and repair tissue, faulty control of collagen formation, abnormalities of the vascular system, poor health, abnormal function of the gastrointestinal tract, poor utilization of unsaturated fatty acids, lack of virility, unsound muscle functioning and general well-being, poor intestinal motility, lack of growth, loss of natural hair color, abnormal blood calcium level, lack of vigor and well-being, loss of characteristics of youth, and a shortened life span. The stated conditions commonly and usually result from causes other than lack of the vitamin substances contained in the article, and the article would not ordinarily correct and relieve such conditions.

Further misbranding, Section 502 (a), certain statements in the labeling were misleading since they represented and suggested that the following conditions are frequently caused by lack of the vitamin substances contained in

*See also No. 2152.